

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION No.:

\*\*\*\*\*  
PAULA ENCARNACION,  
Plaintiff,

Vs.

UNITED STATES OF AMERICA  
Defendant.  
\*\*\*\*\*

04  
04-12021-MEL

COMPLAINT AND JURY DEMAND

MAGISTRATE JUDGE *Alexander*

RECEIPT # 58779  
AMOUNT \$ 50  
SUMMONS ISSUED *yes*  
LOCAL RULE 4.1  
WAIVER FORM  
MCF ISSUED  
BY DPTY CLK *10/11/04*  
DATE *1/26/04*

**PARTIES**

1. The Plaintiff, Paula Encarnacion, is a United States citizen and resident of Charlestown, Massachusetts.
2. The Defendant, United States of America ("USA"), is an independent body politic, organized under the Constitution of the United States of America.

**JURISDICTION**

3. This action is brought by the plaintiff against the U.S.A. and its agents, under authority of the Federal Tort Claims Act, Title 28 of the United States Code, Sections 1346 (b) 2401 (b) and 2671.
4. Plaintiff's claims were presented to the U.S.A. and the United States Postal Service by standard form 95 in compliance with the statutory presentment requirements of 28 U.S.C., § 2671 Seq. and 2675.
5. As a further prerequisite to the jurisdiction, the United States Postal Service issued its final denial on March 23, 2004 and the plaintiff therefore exercises her option to pursue a claim in the United States District Court.

**FACTS**

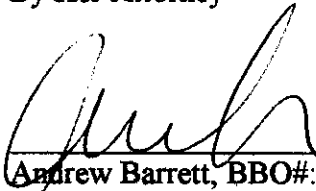
6. United States Postal Service is an agency of the U.S.A.

7. On June 26, 2003, the plaintiff, Paula Encarnacion, while operating her motor vehicle with reasonable care on Green Street, a public way in the town of Charlestown, Massachusetts, was struck by a United States Postal vehicle, negligently and carelessly operated by the United States Postal Service employee.
8. As a result of the negligence of the U.S.A., by and through its agency, U.S. Postal Service and its agents, the plaintiff, Paula Encarnacion, suffered serious injuries, great pain of body and mind, incurred medical expenses and lost wages and the ability to earn income.

**WHEREFORE**, the plaintiff, Paula Encarnacion makes claim against U.S.A for its negligence which resulted in injuries in the amount of \$75,000.00, together with costs and attorneys fees.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES RAISED IN HIS COMPLAINT.**

The Plaintiff  
By Her Attorney



Andrew Barrett, BBO#:

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